

AMENDMENT UNDER 37 C.F.R. § 1.111 Attorney Docket No.: Q86625
Application No.: 10/536,832

REMARKS

Claims 1-23 are all the claims pending in the application. By this Amendment, Applicant amends claims 1 and 20. In addition, Applicant adds claims 22-23, which is clearly supported throughout the specification.

Preliminary Matters

The Examiner has acknowledged the claim to foreign priority and confirmed that the certified copy of the priority documents was received. The Examiner initialed and returned the references listed on forms PTO/SB/08 A & B submitted with the Information Disclosure Statements filed on May 31, 2005 and February 27, 2007. The Examiner further indicated acceptance of the drawings.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3, 6-8, 11-13, 17, 20, and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Morisawa et al. (US 5,904,631), hereinafter Morisawa, in view of Kojima et al. (US 7,223,200), hereinafter Kojima. Applicant respectfully traverses the rejection.

Amended claim 1 relates to a hybrid driving unit comprising an input shaft for inputting motive power from an internal combustion engine, an output shaft disposed on an axis in line with the input shaft and engaged with driving wheels, a first electric motor disposed on the axis and having a stator and a rotor, a power-splitting planetary gear disposed on the axis and having a first rotary element coupled with the input shaft, a second rotary element coupled with the rotor of the first electric motor, and a third rotary element coupled with said output shaft, a second electric motor disposed on the axis and having a stator and a rotor, and a transmission disposed

on the axis, which shifts and transmits revolution of the rotor of the second electric motor to the output shaft. Further, the first electric motor, the power-splitting planetary gear, the second electric motor, and the transmission are provided in a casing member while being disposed in line on the axis. In addition, the stators of the first and second electric motors are fixed to the casing member. Also, the first electric motor, the power-splitting planetary gear, the second electric motor, and the transmission are disposed on the axis such that the second electric motor and the transmission are positioned on a side of a vehicle closer to the internal combustion engine than said first electric motor and the power-splitting planetary gear. Additionally, the transmission is an automatic transmission having at least two stages or a continuous variable transmission.

The Examiner asserts that Morisawa substantially teaches all the limitations of claim 1, but concedes that Morisawa fails to disclose the output shaft engaged with driving wheels. However, the Examiner asserts that Kojima allegedly cures the deficient disclosure of Morisawa. Specifically, the Examiner asserts that figure 5 of Kojima discloses an output shaft (11) engaged with driving wheels (19).

The Morisawa reference is directed to a hybrid driving unit that has a first electric motor MG1, a second electric motor MG5, a reduction gear 310 to reduce the rotational speed of the second motor at a fixed ratio, and a power-splitting planetary gear 110. *See* Morisawa, Figs. 8-10. In particular, the Examiner asserts that the reduction gear 310 of Morisawa discloses the transmission of claim 1. However, Morisawa neither teaches nor suggests the claimed feature of an automatic transmission having at least two stages or a continuous variable transmission.

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Rather, Morisawa merely discloses that the reduction gear 310 is structured as a planetary gear including a sun gear 312, a ring gear 314, and a planetary pinion gear 316. See Morisawa, col. 9, lines 14-17. Morisawa neither teaches nor suggests that the reduction gear 310 is an automatic transmission having at least two stages or a continuous variable transmission. Rather, it merely discloses that the reduction gear 310 is structured as a planetary gear, with no teaching or suggestion of an automatic transmission having at least two stages or a continuous variable transmission. Therefore, Morisawa fails to disclose the claimed feature of an automatic transmission having at least two stages or a continuous variable transmission.

Kojima is merely cited for teaching that an output shaft (11) is engaged with driving wheels (19). Therefore, even if Morisawa were modified based on Kojima, as the Examiner asserts, the combination would not contain all the limitations in claim 1. Accordingly, Applicant respectfully submits that the asserted Morisawa/Kojima combination does not render claim 1 unpatentable.

Further, the Examiner asserts that Morisawa discloses that the first electric motor, the power-splitting planetary gear, the second electric motor, and the transmission are disposed on the axis such that the second electric motor is positioned on a side of a vehicle closer to the internal combustion engine than the first electric motor. However, the Examiner does not specify in the Office Action where Morisawa discloses that the first electric motor, the power-splitting planetary gear, the second electric motor, and the transmission are disposed on the axis such that the second electric motor is positioned on a side of a vehicle closer to the internal combustion engine than the first electric motor. Accordingly, Applicant respectfully submits that

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Morisawa neither teaches nor suggests the claimed feature of the first electric motor, the power-splitting planetary gear, the second electric motor, and the transmission disposed on the axis such that the second electric motor and the transmission are positioned on a side of a vehicle closer to the internal combustion engine than the first electric motor and the power-splitting planetary gear.

An exemplary result of the claimed feature of the first electric motor, the power-splitting planetary gear, the second electric motor, and the transmission disposed on the axis such that the second electric motor and the transmission are positioned on a side of a vehicle closer to the internal combustion engine than the first electric motor and the power-splitting planetary gear, is that relatively large components, such as the second electric motor and the transmission, are disposed on the side of the engine where it is easy to ensure the space at a radial direction in the hybrid driving unit. Further, the claimed feature allows the length thereof in the longitudinal direction to be suppressed to the extent that the length of the whole hybrid driving unit in the longitudinal direction is shortened and the mountability to the body is improved.

Kojima is merely cited for teaching that an output shaft (11) is engaged with driving wheels (19). Applicant respectfully submits that Kojima similarly fails to disclose at least the claimed feature of the first electric motor, the power-splitting planetary gear, the second electric motor, and the transmission disposed on the axis such that the second electric motor and the transmission are positioned on a side of a vehicle closer to the internal combustion engine than the first electric motor and the power-splitting planetary gear, as Kojima discloses that the first electric motor MG1 and a power-splitting planetary gear 3 are disposed on the side of a vehicle

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closer to an internal combustion engine 1 than a second electric motor MG2 and a transmission 100. *See* Kojima, FIGS. 4-6. Therefore, even if Morisawa were modified based on Kojima, as the Examiner asserts, the combination would not contain all the limitations in claim 1. Accordingly, Applicant respectfully submits that the Morisawa/Kojima combination does not render claim 1 unpatentable.

Claim 20 recites limitations similar to those discussed above, and hence Applicant respectfully submits that the Morisawa/Kojima combination does not render claim 20 unpatentable for at least analogous reasons.

Claims 2, 3, 6-8, 11-13, 17, and 20 depend from claim 1 and incorporate by reference all the limitations of claim 1. Accordingly, Applicant respectfully submits that the Morisawa/Kojima combination does not render claims 2, 3, 6-8, 11-13, 17, and 20 unpatentable at least by virtue of their dependency.

Claim 21 depends from claim 20 and incorporates by reference all the limitations of claim 20. Accordingly, Applicant respectfully submits that the Morisawa/Kojima combination does not render claim 21 unpatentable at least by virtue of its dependency. Claim 23 is newly added and is deemed patentable at least for reasons similar to those set forth above regarding claim 1.

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Allowable Subject Matter

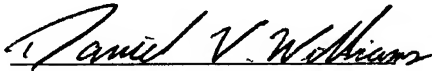
The Examiner has indicated that claims 4, 5, 9, 10, 14-16, 18, and 19 contain allowable subject matter. Applicant respectfully holds the rewriting of these claims in abeyance until arguments presented with respect to claim 1 have been reconsidered.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. **If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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